

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

GEORGE ALLEN ACREE,

Petitioner,

v.

CHARLES PEARSON, Sheriff,

Respondent.

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CIV 13-282-JHP-KEW

OPINION AND ORDER

This matter comes before the court following an order entered on October 19, 2012 (Dkt. # 11) in which this court directed the petitioner to show cause within fourteen (14) days why this action should not be dismissed for failure to exhaust state court remedies, as required by 28 U.S.C. § 2254(b) and to identify the state court case number and the county of the conviction that he is attacking. Petitioner was advised that failure to show cause as directed would result in the dismissal of this action. To date, the petitioner has not attempted to comply with this court's order.

The petitioner bears the burden of showing he has exhausted his state court remedies as required by 28 U.S.C. § 2254(b). *See Clonce v. Presley*, 640 F.2d 271, 273 (10th Cir. 1981) and *Bond v. Oklahoma*, 546 F.2d 1369, 1377 (10th Cir. 1976). Since it does not appear that the petitioner has exhausted his state court remedies, this action is hereby dismissed without prejudice.

Accordingly, it is hereby ordered that the petition for writ of habeas corpus is **dismissed without prejudice** for failure to exhaust state court remedies.

It is so ordered on this 25th day of November, 2013.



James H. Payne
United States District Judge
Eastern District of Oklahoma